

BILL NO. Z-71-12- 24

ZONING MAP ORDINANCE NO. Z- 04-72

AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. E-5.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
INDIANA:

SECTION 1. That the area described as follows is hereby designated an R-3 District under the terms of Chapter 36, Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2836 and amendments thereto; and the symbols on the City of Fort Wayne Zoning Map No. E-5 referred to therein, established by Section 9, Article III of said Chapter as amended, are hereby changed accordingly, to-wit:

A parcel of land located in Section 6, Township 30 North, Range 30 East, Allen County, being part of land described by Deed Record 567, Pages 583-585; beginning at a point situated 1,419.66 feet West of the Northeast corner of Section 6, Township 30 North, Range 30 East, along the north line of said Section 6, also commonly known as the centerline of Lake Avenue; thence South 650 lineal feet to a point; thence West 225 feet parallel to said North line of Section 6, to a point; thence Northerly 650 feet to a point situated on the said North Section line of Section 6, commonly known as the centerline of Lake Avenue, to a point situated 226.1 feet West of the point of beginning; thence East along the said centerline of Lake Avenue 226.1 feet to the point of beginning, containing 3.23 Acres, and subject to a 30-foot road right-of-way across the North 30 feet thereof; also subject to service road easements running along the East side thereof.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and legal publication thereof.

Robert D. Kaplan
Councilman

APPROVED AS TO FORM
AND LEGALITY

G.T. ATTORNEY

Read the first time in full and on motion by Taylor seconded by Rosenau and duly adopted, read the second time by title and referred to the Committee on Regulations (and to the City Plan Commission for recommendation) (and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____ the _____ day of _____ 197_____, at _____ o'clock P.M., E.S.T.

Date: 12-28-71

Freud G. Bonahoom
CITY CLERK

Read the third time in full and on motion by Kraus seconded by Talarico and duly adopted, placed on its passage.

Passed (LOST) by the following vote:

AYES 8, NAYS 0, ABSTAINED 0, ABSENT 1 to-wit:

Burns	✓	_____	_____	_____
Hinga	✓	_____	_____	_____
Kruse	✓	_____	_____	_____
Nuckols	✓	_____	_____	_____
Moses	✓	_____	_____	_____
Schmidt, D.	✓	_____	_____	✓
Schmidt, V.	✓	_____	_____	_____
Steir	✓	_____	_____	_____
Talarico	✓	_____	_____	_____

Date _____

CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as
(Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. Z-04-72
on the 22 day of February, 1972.

ATTEST: (SEAL)

Charles W. Wiestermane John Nuckols
CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23 day
of February, 1972 at the hour of 10:30 o'clock A.M., E.S.T.
Charles W. Wiestermane
CITY CLERK

Approved and signed by me this _____ day of _____, 197_____,
at the hour of _____ o'clock _____.M., E.S.T.

John A. Leland Jr.
MAYOR

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on December 26, 1971, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-71-12-24; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

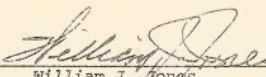
WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on January 17, 1972;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS for the reasons that a need has been shown for the Land Use Plan to be amended, the amendment will be in the best interest of and benefit to the area involved and of and to the city, and the amendment will not be detrimental to and does not conflict with the overall city plan;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held January 24, 1972.

Certified and signed this
18th day of February 1972.



William J. Jones
Director of Planning

Bill No. 2-71-12-24

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance amending the City of Fort Wayne Zoning Map No. E-5,

have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance Do PASS.

EUGENE KRAUS, Chairman

James S. Stier, Vice-Chairman

WILLIAM T. HINGA

PAUL BURNS

VIVIAN G. SCHMIDT

*Eugene Kraus h.
James Stier
Paul Burns
Vivian G. Schmidt*

RECEIPT

Nº 108

GENERAL FUND

FT. WAYNE, IND.

November 29, 1971

RECEIVED FROM

Robert E. Meyer

\$ 50 00

THE SUM OF

Fifty

DOLLARS

100

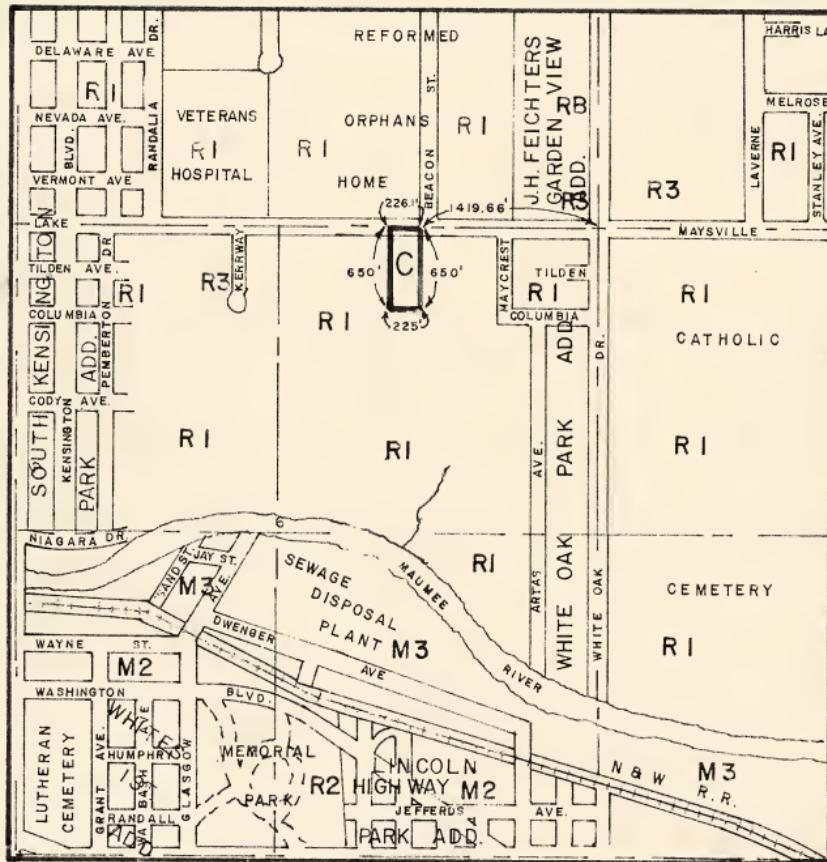
ON ACCOUNT OF

Attorney fee legale - collection

Lake Ave, Fort Wayne, Indiana

D. E. Boyer Co., Inc.

AUTHORIZED SIGNATURE



C CHANGE FROM RI TO R3

PETITION FOR ZONING ORDINANCE AMENDMENT

TO: COMMON COUNCIL OF THE
CITY OF FORT WAYNE, INDIANA

No. _____

DATE FILED: _____

INTENDED USE: _____

We / Clarence C. Feichter and Marie B. Feichter, husband and wife
Applicant's Name or Names

Do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne, Indiana by reclassifying from an R-1 District to a n R-3 District the property described as follows:

A Parcel of land approximately 225^t feet x 650^t feet located immediately south of Lake Avenue and immediately west of the centerline of Beacon Street Extended.

General Description (Prepared by Planning Staff)

A parcel of land located in Section 6, Township 30 North, Range 30 East, Allen County, being part of land described by Deed Record 567, Pages 583 - 585; beginning at a point situated 1,419.66 feet West of the Northeast corner of Section 6, Township 30 North, Range 30 East, along the north line of said Section 6, also commonly known as the centerline of Lake Avenue; thence South 650 lineal feet to a point; thence West 225 feet parallel to said North line of Section 6, to a point; thence Northerly 650 feet to a point situated on the said North Section line of Section 6, commonly known as the centerline of Lake Avenue, to a point situated 226.1 feet West of the point of beginning; thence East along the said centerline of Lake Avenue 226.1 feet to the point of beginning, containing 3.23 Acres, and subject to a 30-foot road right-of-way across the North 30-feet thereof; also subject to service road easements running along the East side thereof.

Legal Description Checked by (City Engineer)

Deacon Library for the Bureau, Dec 13, 1971

The Undersigned applicant (s) upon the execution and submission of this application and petition for zoning ordinance amendment, understands and agrees that:

All requests for continuances or requests that ordinances be taken under advisement shall be filed in writing in the Office of the City Plan Commission by noon on the Wednesday preceding the meeting of the City Plan Commission at which the ordinance is to be considered. If the request for a continuance or for the ordinance to be taken under advisement is filed within the required time, the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. Also, in the event, a request is filed for continuance or delay in the consideration of an ordinance, it shall be the obligation of the petitioner to notify the same property owners which the Plan Commission had notified by mail that the hearing has been postponed or rescheduled and informing him of the time and place of the next meeting at which the proposed ordinance will be considered. In the event the time and place of the meeting is not known at the time that the request for continuance is filed, it shall be the duty of the petitioner to notify all persons notified by the Plan Commission Office when the time and place of hearing is determined.

I/We hereby certify that as the undersigned, I am / We are the owner (s) of fifty-one percentum or more of the property described in this petition.

CLARENCE C FEICHTER 2824 Santa Rosal Clarence C Feichter
Name Address Signature

MARIE B. FEICHTER 2824 Santa Rosal Marie B. Feichter
Name Address

This petition for zoning ordinance amendment prepared by:

Patricia E. Hayes 522 Steele Blvd. 742-4331
Name Address Telephone Number

RESTRICTIVE COVENANT

We, Clarence C. Feichter and Marie B. Feichter, husband and wife, being the owners of the real estate in Allen County, Indiana, described as follows:

The North 650 feet of The East 13.36 acres of the tract of land described as follows:

Commencing at a point 21.51 chains west of the Northeast Corner of Section 6, Township 30 North, Range 13 East; thence South to a creek; thence southwesterly following the meanderings of said creek 4 chains to the Maumee River; thence northwesterly following the meanderings of said river to a line 9.99 chains east of the west line of the northeast 1/4 of said Section 6; thence north on said line to the North line of said Section 6; thence East 8.63 chains to the place of beginning, in Allen County, Indiana.

in consideration of permission to use said real estate for multiple-family residence purposes under Section 14, C of the Zoning Ordinance of the City of Fort Wayne, do hereby covenant and agree, for ourselves, grantees, personal representatives, successors and assigns as follows:

A. We will at our expense cause to be installed a deceleration lane for traffic on the south side of Lake Avenue at the intersection of Lake Avenue and Beacon Street, in compliance with the specifications of the Fort Wayne Traffic Engineering Department.

B. We will at our expense pave Beacon Street for its entire length across the said real estate, with sidewalks on one side of the street.

This is not a personal covenant, but shall run with the land and inure to the benefit of all owners of real estate within a radius of 600 feet of said real estate, and of the public. It may be enforced by injunction or otherwise by any of said owners or

by the City of Fort Wayne on behalf of the public. It is understood that the installation and paving shall be completed prior to the use and occupancy of any multiple-family residential development on said real estate.

Witness our hands and seals this 17 day of

February, 1972.

Clarence C. Feichter (SEAL)
CLARENCE C. FEICHTER

Marie B. Feichter (SEAL)
MARIE B. FEICHTER

STATE OF INDIANA)
) SS
COUNTY OF ALLEN

Before me, a notary public in and for said County and State, this February 17 day of February, 1972, personally appeared Clarence C. Feichter and Marie B. Feichter, husband and wife, each over 21 years of age, and acknowledged the execution of the above Restrictive Covenant to be their voluntary act and deed.

Jean M. Feichter
Notary Public

My Commission Expires:

16-28-75

Prepared by Ralph R. Bluma, Attorney at Law

Common Council-City of Ft. Wayne
(Governmental Unit)

To.....NEWS-SENTINEL.....Dr.

Allen County, Ind.**FORT WAYNE, INDIANA****PUBLISHER'S CLAIM****LINE COUNT**

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set)
— number of equivalent lines

Head	number of lines	—
Body	number of lines	90
Tail	number of lines	1
Total number of lines in notice		91

COMPUTATION OF CHARGES

91	lines, columns wide equals	equivalent lines at .288¢	26.21
cents per line			\$
Additional charge for notices containing rule or tabular work (50 per cent of above amount)			
Charge for extra proofs of publication (50 cents for each proof in excess of two)			

TOTAL AMOUNT OF CLAIM

\$ 26.21

DATA FOR COMPUTING COST

Width of single column 11 ems	Size of type $5\frac{1}{2}$ point
Number of insertions 2	Size of quad upon which type is cast $5\frac{1}{2}$

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

*A. M. Hostman*Date **March 15, 1972**Title **Clerk**

Notice is hereby given that on the 22nd day of February, 1972, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session, did pass the following Zoning Ordinance:

ZONING MAP **Z-04-72**

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. E.S. BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereinafter designated on R-3 District under the terms of Chapter 36, Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2384 and amendments thereto; and the symbols on the City of Fort Wayne Zoning Map No. E.S. shall be changed as established by Section 9, Article III of said Charter as amended, are hereby changed according to the following:

A parcel of land located in Section 6, Township 30 North, Range 30 East, Allen County, Indiana, being the area described by Deed Record 547, Pages 583-585; beginning at a point situated 1-1/16th of a mile from the southwest corner of Section 6; Township 30 North, Range 30 East, along the north line of said Section 6; thence southwesterly to the centerline of Lake Avenue; thence South 65° 46' mean feet to a point thence West 65° 46' mean feet to the centerline of Section 6, 100' in length; thence Northwesterly 65° 46' to a point situated on the east side of the centerline of Section 6, commonly known as the centerline of Lake Avenue, to a point situated 226.1 feet west of the point where the centerline East along the said centerline of Lake Avenue 226.1 feet to the point of beginning; thence Northwesterly 65° 46' and subject to a 30-foot road right-of-way across the North 30 foot thereof; also subject to the easements and rights running along the East side thereof.

SECTION 2. This Ordinance shall be in full force and effect from the time of its passage, approved by the Mayor, and legal publication thereof.

Attest: G. Tipton, Councilman.

Read the third time in full and on motion by Krause, seconded by Talarico and duly adopted and passed on its passage. Passed by the following vote:

Ayes, eight: Burns, Hings, Kraus, Nuckles, McVay, Schmidt, Steir, Talarico.

Nays, none: D. Schmidt.

Presented by me to the Mayor of the Common Council of the City of Fort Wayne, Indiana, Zoning Map Ordinance No. Z-04-72 on the 22nd day of February, 1972.

ATTEST: (SEAL)

Charles W. Westerman, City Clerk, and my signature is my official.

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of February, 1972, at the hour of 10:30 o'clock A.M., E.S.T.

Charles W. Westerman, City Clerk.

Approved and signed by me this 23rd day of February, 1972, at the hour of 10:30 o'clock A.M., E.S.T.

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of the Zoning Ordinance No. Z-04-72 passed by the Common Council on the 22nd day of February, 1972, and that said Ordinance was duly passed and approved by the Mayor on the 23rd day of February, 1972, and now remains on file and record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 23rd day of February, 1972.

SEAL

Charles W. Westerman, City Clerk.

3-6-11.

PUBLISHER'S AFFIDAVITState of Indiana } ss:
ALLEN County }

Personally appeared before me, a notary public in and for said county and state, the undersigned **A. M. Hostman**, who, being duly sworn, says that She is **Clerk** of the **NEWS-SENTINEL**.

a. **DAILY** newspaper of general circulation printed and published in the English language in the city of **FORT WAYNE, INDIANA**, in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for **2** time **5**, the dates of publication being as follows:

March 4, 1972**March 11, 1972**

Subscribed and sworn to before me this **15th** day of **March** **1972**.

A. M. Hostman
*Edith Stapleton*March 8, 1972
Notary Public

My commission expires

March 8, 1974

Common Council-City of Ft. Wayne
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set)
— number of equivalent lines

Head	number of lines	<u>0</u>
Body	number of lines	<u>90</u>
Tail	number of lines	<u>1</u>
Total number of lines in notice		<u>91</u>

COMPUTATION OF CHARGES

91	lines, columns wide equals.....	equivalent lines at .288¢	.26.21
	cents per line		\$

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

TOTAL AMOUNT OF CLAIM	.26.21
	\$

DATA FOR COMPUTING COST

Width of single column 11 ems	Size of type <u>5½</u> point
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Number of insertions <u>2</u>	Size of quad upon which type is cast <u>5½</u>
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Pursuant to the provision and penalties of Ch. 89, Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

CLERK

Title

Date **March 15, 1972**

Legal Notices

Notice is hereby given that on the 22nd day of February, 1972, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session, did pass the following Zoning ordinance, to-wit:

ZONING MAP Z-04-72

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. E-3, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows, be and the same is hereby annexed under the terms of Chapter 36, Municipal Code of the City of Fort Wayne, Indiana, 1966, and as amended by General Ordinance No. 2364, and amendments thereto; and the symbols on the City of Fort Wayne Zoning Map No. E-3, are hereby changed to those established Section 9, Article III of said Charter as amended; the said changes accordingly, to-wit:

A portion of land located in Section 6, Township 30 North, Range 30 East, Allen County, being part of lot 10, section 1, block 1, of the Plat 539, beginning of a point situated 419.66 feet West of the Northeast corner of Section 6, and 226.1 feet South of Range 30 East, along the north line of said Section 6, also commonly known as the Central Avenue, being Avenue running South 659 linear feet to a point; thence West 223 feet parallel to said North line of Section 6, to a point situated 419.66 feet West of a point situated on the south North line of Section 6, commonly known as the corner of Lake Avenue, to a point situated 226.1 feet West of the point of beginning; thence East along the said central line of Lake Avenue 226.1 feet to the point of beginning, containing 3.23 Acres, and subject to a 30-foot road right-of-way across the entire width thereof, also subject to service road easements running along the East side thereon;

SECTION 2. That the same shall be in full force and effect from and after its passage, approval by the Mayor, and legal publication.

Given at Herbert O. Tipton, Councilman, Read the third time in full and on motion by Kraus, seconded by Tolairio, and duly adopted, passed on the 22nd day of February, 1972, at the hour of 10:30 o'clock A.M. E.T.

ATTEST: (SEAL)

Charles W. Westerman, City Clerk.

John A. Lekomoff, Presiding Officer.

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of February, 1972 at the hour of 10:30 o'clock A.M. E.T.

Charles W. Westerman, City Clerk.

Approved and signed this 23rd day of February, 1972, at the hour of 11:00 o'clock A.M., E.S.T.

John A. Lekomoff, Mayor.

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true, and correct copy of Zoning Ordinance No. Z-04-72 passed by the Common Council on the 22nd day of February, 1972, and the same was duly signed and approved by the Mayor on the 23rd day of February, 1972, and now remains on file and is record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 23rd day of February, 1972.

SEAL

Charles W. Westerman, City Clerk.

3-411.